

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

v.

TERRANCE HOFUS,

Defendant.

Case No. 3:08-cr-00022-LRH-WGC-1

ORDER

On August 14, 2020, the Ninth Circuit affirmed in part, vacated in part, and remanded this case to the Court to modify Special Conditions 3 and 6 of the Special Conditions of Hofus's lifetime term of supervised release. *United States v. Hofus*, Case No. 20-10031 (9th Cir. Aug. 14, 2020). In light of this ruling, the Court proposes to modify Terrance Hofus's Supervision Conditions by striking the existing Special Conditions 3 and 6 and replacing them with the following:

3. **No Pornography** – You must not view or possess any “visual depiction” (as defined in 18 U.S.C. § 2256(5)), or any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of “sexually explicit conduct” (as defined by 18 U.S.C. § 2256(2)) involving children, or “actual sexually explicit conduct” (as defined by 18 U.S.C. § 2257(h)(1)) involving adults. These restrictions do not apply to materials necessary to, and used for, any future appeals, or materials prepared or used for the purposes of sex-offender treatment.
6. **Computer Search** – You must submit your computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media, to a search. A probation officer may conduct a search pursuant to this condition only when reasonable suspicion exists that there is a violation of a condition of supervision and that the computer or device contains evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

To comply with Mr. Hofus's due process rights, the Court will schedule a hearing via ZOOM to consider the proposed modifications and any objection to them by either Defendant or the Government. IT IS THEREFORE ORDERED that within **30 days** of the filing of this Order, Counsel should contact Courtroom Deputy, Katie Ogden, at [Katie\\_Ogden@nvd.uscourts.gov](mailto:Katie_Ogden@nvd.uscourts.gov) to schedule this hearing. Defendant may consent to the modifications and waive his right to a hearing upon them, after having been fully advised by his counsel, by filing a written consent and waiver with the Court. Upon receipt of a consent and waiver, the modifications will be made final and the proposed hearing will be vacated.

DATED this 16th day of September, 2020.

2